



THIRTY-EIGHTH PARLIAMENT

REPORT 30
STANDING COMMITTEE ON ENVIRONMENT AND
PUBLIC AFFAIRS
OVERVIEW OF PETITIONS

Presented by Hon Brian Ellis MLC (Chair)

November 2012

STANDING COMMITTEE ON ENVIRONMENT AND PUBLIC AFFAIRS

Date first appointed:

17 August 2005

Terms of Reference:

The following is an extract from Schedule 1 of the Legislative Council Standing Orders:

- 1. Environment and Public Affairs Committee**
 - 1.1 *An Environment and Public Affairs Committee is established.*
 - 1.2 *The Committee consists of 5 members.*
 - 1.3 *The functions of the Committee are to inquire into and report on –*
 - (a) *any public or private policy, practice, scheme, arrangement, or project whose implementation, or intended implementation, within the limits of the State is affecting, or may affect, the environment;*
 - (b) *any bill referred by the House; and*
 - (c) *petitions.*
 - 1.4 *The Committee, where relevant and appropriate, is to assess the merit of matters or issues arising from an inquiry in accordance with the principles of ecologically sustainable development and the minimisation of harm to the environment.*
 - 1.5 *The Committee may refer a petition to another committee where the subject matter of the petition is within the competence of that committee.*
 - 1.6 *In this order “environment” has the meaning assigned to it under section 3(1), (2) of the Environmental Protection Act 1986.*

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CHAPTER 1

INTRODUCTION

HISTORY AND FUNCTIONS OF THE COMMITTEE

- 1.1 The Standing Committee on Environment and Public Affairs (Committee) was appointed by the Legislative Council on 17 August 2005.
- 1.2 The functions of the Committee are outlined in the Committee's terms of reference:

The functions of the Committee are to inquire and report on –

- (a) *any public or private policy, practice, scheme, arrangement, or project whose implementation, or intended implementation, within the limits of the State is affecting, or may affect, the environment;*
- (b) *any Bill referred by the House; and*
- (c) *petitions.*

PETITIONS

- 1.3 A petition is a formal request for action from individuals or groups. The petitions process, through which the general public can bring issues of concern to the attention of the Parliament, provides a fundamental link between the community and the Parliament.
- 1.4 All conforming petitions that are tabled by a Member of the Legislative Council, except those raising a matter of privilege, are referred to the Committee. While a petition only needs one signature to be tabled, most petitions contain many signatures.
- 1.5 A petition will not always bring about a change of policy by the government or achieve the specific objectives desired by petitioners however the Committee's inquiries ensure that petitioners are provided with an explanation for government decisions or actions. The Committee's consideration of petitions serves to enhance transparency and to inform the Parliament and public about current issues of concern to the community.

Petitions Process

- 1.6 The nature and extent of inquiries relating to each petition will vary depending on the nature of the issues raised however in most cases, the Committee will request a

submission from the principal petitioner and tabling Member. These submissions enable the Committee to better understand the issues involved and the action, if any, already undertaken by the petitioner/s to resolve the matter.

- 1.7 Once submissions are received, the Committee will usually request a response to the petition from the relevant government Minister. The Committee may also seek responses from other organisations (such as local governments) and carry out other research as required.
- 1.8 In many instances, the Ministerial response to the petition will provide an explanation for the government policy or action in question although sometimes the Committee will need more information to clarify the issues. These inquiries may take the form of further correspondence with the relevant parties or a hearing to obtain more detailed evidence. On occasion, the Committee will resolve to conduct a formal inquiry into the matter.

Committee Website

- 1.9 The Committee's website at www.parliament.wa.gov.au is a central source of information about petitions tabled in the Legislative Council and contains copies of documents such as submissions, government responses and transcripts of evidence.

Overview of Petitions

- 1.10 This report provides an overview of the petitions finalised by the Committee during the period 1 July 2011 to 30 June 2012.
- 1.11 The Committee tabled separate reports in relation to three of the petitions finalised during the reporting period – Transportation of Detained Persons, Cockburn Cement Limited and Closure of Tier 3 Rail Lines.
- 1.12 The terms of each petition, related submissions, correspondence and other evidence that are given a public status by the Committee, are available on the Committee's website. Hard copies will be made available on request to the Committee office.

CHAPTER 2

PETITIONS FINALISED: 1 JULY – 31 DECEMBER 2011

PETITIONS FINALISED BETWEEN 1 JULY 2011 – 31 DECEMBER 2011

- 2.1 The Committee finalised 23 petitions between 1 July 2011 and 31 December 2011 and an outline of those petitions is provided below.

Petition No 43 –Transportation of Detained Persons

- 2.2 Refer to Committee Report 23, *Inquiry into the Transportation of Detained Persons: The Implementation of the Coroner’s recommendations in Relation to the Death of Mr Ward and Related Matters*, 18 July 2011.

Petition No 71 – Cockburn Cement Ltd, Munster

- 2.3 Refer to Committee Report 24, *Inquiry into Cockburn Cement Limited, Munster*, 20 October 2011.

Petition No 81 – Preservation Warrup Forest Block

- 2.4 This petition, tabled by Hon Giz Watson MLC, contained 1,451 signatures and sought to prevent further logging in the Warrup forest block in the Greater Kingston forest south-east of Bridgetown.¹

- 2.5 A submission from the principal petitioner explained that Warrup forest block was home to a number of threatened species:

*The Greater Kingston forest region which includes Warrup is scientifically recognized as one of the few significant remaining refuges for populations of rare, endemic and threatened forest mammal species, of which nine have been recorded in Warrup. However, many of these species are already at risk from a range of environmental stresses and are in population decline. Three species, the woylie, the brush-tailed phascogale and the red-tailed black cockatoo have had their threatened status increased since the present Forest Management Plan began in 2004.*²

¹ Tabled Paper No 2176, 23 June 2010.

² Submission from Mr Russell Catomore, 28 July 2010, p1.

- 2.6 The petitioner expressed concern about the impact logging has on biodiversity through the fragmentation and loss of habitat. According to the petitioner, intensive logging will:

*... permanently simplify forest structural complexity and reduce bio-physical conditions available to fauna. This involves extensive habitat loss in quality and quantity together with fragmentation of previous habitat integrity which impact on faunal requirements for foraging, refuge, nesting, breeding, and dispersal.*³

- 2.7 In response to the petition, the then Minister for Environment, Hon Donna Faragher MLC, advised that logging could be managed in such a way as to limit the impact on wildlife:

*Data suggest that the Warrup and surrounding forest areas support significant populations of both woylies and the brush-tailed phascogale, and in the approvals process for timber harvesting DEC is able to impose appropriate management strategies to mitigate the impact from operations on known populations.*⁴

- 2.8 The Minister explained that various measures were adopted to protect biodiversity and habitat integrity:

At the whole of forest scale a formal conservation reserve system has been established. This is augmented at the landscape scale with a network of informal reserves and fauna habitat zones which are set aside from timber harvesting on State forest and timber reserves. At a local operational scale the impacts from harvesting are further mitigated through requirements to protect flora and fauna, exclude all areas of old-growth forest from harvesting, and retain habitat trees and logs, mid-storey vegetation elements and long-lived species such as grasstrees in harvesting coupes.

*Consequently, while the removal of a portion of the trees and mid-storey vegetation during timber harvesting will alter the forest structure of that area, a forest-dominated landscape will remain. The resulting mosaic of varying habitat types and regeneration status will include those unharvested portions of the coupe with direct connectivity to the broader formal and informal reserve system.*⁵

³ *ibid.*, p1.

⁴ Letter from Hon Donna Faragher MLC, Minister for Environment, 25 October 2010.

⁵ *ibid.*, pp3-4.

- 2.9 In relation to the petitioners' concern about the increased threat status of the brush-tailed phascogale, the woylie and the red-tailed black cockatoo, the Conservation Commission of Western Australia advised the Committee that, following advice and briefings from the Department of Environment and Conservation (DEC), it had concluded that "*there was no basis for believing that the change in status of these species was due in any way to forest management activities.*"⁶
- 2.10 In addition to submissions and other correspondence, the Committee reviewed a number of reports, including the *Report and Recommendations of the Environmental Protection Authority (EPA) in relation to the Forest Management Plan (FMP) Mid-term Audit of Performance Report*. In this report, the EPA observed that biodiversity in the South West of Western Australia faced threats from a range of influences:

*While clearing for agriculture has historically reduced the extent of forests in the South West to those now subject to the FMP, existing forest values are subject to various diseases and pests, climatic variation largely reflected in declining rainfall and rising temperatures, mining and wood removal, recreational use, fire, and land management practices.*⁷

- 2.11 The Committee noted that the EPA recommended that certain issues be addressed in the next FMP including the impact of climate change on forest ecosystems, logging in the low and adjacent medium rainfall zones and compliance by Forest Product Commission (FPC) contractors.⁸
- 2.12 In concluding its inquiries, the Committee wrote to the DEC to reiterate the concerns of the petitioners, particularly in relation to compliance by FPC contractors. The DEC responded with the following:

*Extensive discussions have occurred between DEC and the FPC in regard to the harvesting operations in Warrup block and the conditions of approval will be detailed in the associated Planning checklist for disturbance activities. This includes strategies to account for many of the concerns raised by the petitioners, such as implementing habitat requirements and safeguarding identified Aboriginal cultural heritage sites.*⁹

⁶ Letter from Ms Patricia Barblett AM, Chair, Conservation Commission of Western Australia, 26 September 2011.

⁷ Report and Recommendations of the Environmental Protection Authority in relation to the Forest Management Plan (FMP) Mid-term Audit of Performance Report, Report 1362, August 2010, pi.

⁸ *ibid.*, pii.

⁹ Letter from Mr Keiran McNamara, Director General, Department of Environment and Conservation, 19 December 2012.

- 2.13 The petition was finalised on 19 October 2011 with Hon Lynn MacLaren MLC dissenting.

Petition No 108 – Swanbourne Hospital Conservation Area

- 2.14 This petition was tabled by Hon Giz Watson MLC on 17 March 2011 and contained 787 signatures.¹⁰ The petition opposed a Section 38 Order under the *Heritage of Western Australia Act 1990* (Heritage Act) that would remove the Swanbourne Hospital site from the development control requirements of the City of Nedlands Town Planning Scheme No 2 (TPS 2).¹¹

- 2.15 The submission from the principal petitioner explained that:

*The residents have great concerns that removal of TPS 2 will result in an outcome that is not in the interests of all parties, and certainly not the residents. Under the proposed Order there will be no requirement or opportunity for comment by the public or the City of Nedlands. Approval will be at the sole discretion of WAPC and there is no right of public appeal for any such decision.*¹²

- 2.16 The Committee requested responses to the petition from the Ministers for Heritage and Planning.

- 2.17 The Minister for Heritage, Hon John Castrilli MLA, advised the Committee that he had received a recommendation from the Heritage Council of Western Australia to issue an order under section 38 of the Heritage Act:

*This is obviously a very complex matter and will require further investigation by myself and discussions with other parties before I am in a position to make a decision. There may even be a need for a further public comment period. I expect that it will be several months before I make a decision on the Order.*¹³

- 2.18 Given that the Minister was yet to make a decision regarding the Order, the Committee resolved to conclude its inquiries in relation to the petition on 19 October 2011.

- 2.19 The Minister for Heritage subsequently updated the Committee regarding his deliberations. On 1 July 2011, the Metro-West Joint Development Assessment Panel became the determining authority for development applications which “effectively

¹⁰ Tabled Paper No 3119, 17 March 2011.

¹¹ *ibid.*

¹² Submission from Mr R Simpson, 12 April 2011, p2.

¹³ Letter from Hon John Castrilli MLA, Minister for Heritage, 29 September 2011, p3.

bypassed the issues that had plagued the project in relation to the inability to reach agreement between the City of Nedlands and the owners of the Swanbourne Hospital Conservation Area.”¹⁴

2.20 Additionally, the Outline Development Plan, a requirement under the City of Nedlands Town Planning Scheme for planning approval, became operative in late 2011.¹⁵

2.21 As a consequence of these developments:

The owners of the Swanborne Hospital Conservation Area are satisfied that these changes have provided some certainty in relation to the site and that a Section 38 Order is no longer necessary.¹⁶

Petition No 112 – Re-development Plans for the old Carine TAFE

2.22 This petition was tabled by Hon Michael Mischin MLC on 12 April 2011 and contained 132 signatures.¹⁷

2.23 The petition opposed the re-development plan for the Carine TAFE site which included zoning of R60 and R80, multi-story apartments and retirement homes. The petitioners believed that the high density re-development would not retain enough bush land or open space and it would be incongruous with the residential character of the community.

2.24 In light of the strong opposition to the draft Carine Vision Local Structure Plan, the City of Stirling Council decided not to adopt the plan. The Committee finalised the petition on 17 August 2011.

Petition No 113 – Establishment of a Police Station in Capel

2.25 This petition was tabled by Hon Sally Talbot MLC on 17 May 2011 and contained 373 signatures.¹⁸ The petition sought support for a police station in Capel to enable a continuous police presence in the area.

2.26 A response to the petition from the former Minister for Police, Hon Rob Johnson MLA, advised that the Western Australian Police considered the Shire of Capel to be adequately policed and there were no current plans to build a police station. However if the usual ongoing analysis and assessment indicated that this situation changed in

¹⁴ Letter from Hon John Castrilli MLA, Minister for Heritage, 15 February 2012, p1.

¹⁵ *ibid.*, p1.

¹⁶ *ibid.*, p1.

¹⁷ Tabled Paper No 3224, 12 April 2011. Another copy of the petition tabled on 17 May 2011 contained a further 25 signatures.

¹⁸ Tabled Paper No 3262, 17 May 2011.

the future, the WA Police would submit a proposal for the government's consideration.¹⁹

2.27 The Committee finalised the petition on 10 August 2011.

Petition No 114 – Skilled Local Jobs Bill 2011

2.28 This petition was tabled by Hon Jon Ford MLC on 26 May 2011 and contained 395 signatures.²⁰ The petition sought support for legislation that would ensure a greater share of skilled work on major resource projects by Western Australians.

2.29 The Committee requested a response to the petition from the Premier and the Minister for Training and Workforce Development. The response from the Premier outlined the action being undertaken by the government to increase levels of local content and informed the Committee that the government did not support the introduction of legislation that would add to project approvals processes.²¹

2.30 The Committee reviewed a report by the Departments of State Development and Commerce, the *Local Content Report*, which outlined Australia's international trade obligations that restrict Western Australia's ability to impose local content requirements on the private sector.²² The Committee also noted that the *Skilled Local Jobs Bill 2011*, a private Member's Bill introduced by Hon Eric Ripper MLA, had been considered and not agreed to on 31 August 2011.

2.31 The Committee decided not to take further action in relation to this petition and the petition was finalised on 19 October 2011.

Petition No 115 – Amendment 40 of the City of Swan Local Planning Scheme 17

2.32 This petition was tabled by Hon Alison Xamon MLC on 26 May 2011 and contained 79 signatures.²³ The petition opposed Amendment 40 to the City of Swan Local Planning Scheme 17 on the basis that it would reduce the property rights of landowners.

2.33 The Committee did not receive a submission from the principal petitioner within the requested timeframe and the petition was finalised on 10 August 2011.

¹⁹ Letter from Hon Rob Johnson MLA, Minister for Police, 13 July 2011.

²⁰ Tabled Paper No 3336, 26 May 2011. Additional copies of the petition subsequently tabled in the Legislative Council contained a further 1,924 signatures.

²¹ Letter from Hon Colin Barnett MLA, Premier, 12 September 2011.

²² Department of State Development/Department of Commerce, *Local Content Report*, May 2011 available at www.parliament.wa.gov.au (accessed on 7 July 2011), p12.

²³ Tabled Paper No 3337, 26 May 2011.

Petition No 117 – Transperth Contracts

- 2.34 This petition was tabled by Hon Ken Travers MLC on 26 May 2011 and contained 151 signatures.²⁴
- 2.35 The petition expressed concern that awarding Transperth Service Contracts to different contractors had a negative impact on employees. The loss of workers' continuity of employment had the potential to negatively impact on long service leave entitlements, terms and conditions of employment and take-home pay.
- 2.36 The Committee did not receive a submission from the principal petitioner within the requested timeframe and the petition was finalised on 10 August 2011.

Petition No 118 – Genetically Modified Canola

- 2.37 This petition was tabled by Hon Dr Sally Talbot MLC on 21 June 2011 and contained 4,819 signatures.²⁵
- 2.38 The petition opposed the cultivation of genetically modified (GM) canola in Western Australia and argued that segregation of GM crops was impossible.
- 2.39 The submission from the tabling Member argued that:

*The fact is that with the lifting of the moratorium there can be no guarantee that cross-contamination between GM and non-GM crops in Western Australia will not occur. The Government has not been able to provide any evidence that GM and non-GM crops can be segregated. Certified organic food is a sought after commodity and is a trusted product. The introduction of GM canola and its intrusion into the organic yields has the potential to damage the organic food industry.*²⁶

- 2.40 The response to the petition from the Minister for Agriculture and Food outlined the government's position in regard to GM crops:

The decision to permit commercial cultivation of GM cotton and GM canola in WA are in accordance with the commitment of the WA government to provide an environment where WA agribusinesses can remain internationally competitive. Growers should have:

²⁴ Tabled Paper No 3341, 26 May 2011. Another copy of the petition contained a further 32 signatures.

²⁵ Tabled Paper No 3379, 21 June 2011. Another copy of the petition contained a further 32 signatures.

²⁶ Submission from Hon Dr Sally Talbot MLC, tabling Member, 20 July 2011, p2.

- *Access to the same safe technologies as their international competitors;*
- *The freedom to choose to use different production systems; and*
- *Protection from excessive regulatory requirements.*²⁷

2.41 Following consideration of the petition, submissions and the government response to the petition, the Committee decided to finalise the petition on 28 September 2011.

Petition No 119 – Protection of the Kimberley Coast

2.42 This petition was tabled by Hon Robin Chapple MLC on 21 June 2011 and contained 139 signatures.²⁸ The petition opposed the development of an LNG processing hub and associated infrastructure on the Kimberley coast.

2.43 The Committee did not receive a submission from the principal petitioner within the requested timeframe and the petition was finalised on 10 August 2011.

Petition No 120 – Mandatory Sentencing – Mental Impairment

2.44 This petition was tabled by Hon Alison Xamon MLC on 21 June 2011 and contained 77 signatures.²⁹ The petition expressed concern about the impact of mandatory sentencing on people with a significant mental impairment.

2.45 The tabling Member pointed out in her submission that a fundamental problem with mandatory sentencing was that the “*courts no longer have the discretion to give an appropriate sentence*” and the discretion available to the police and the prosecution is made “*away from public scrutiny*”.³⁰

2.46 On 23 June 2011 Hon Alison Xamon MLC introduced a private Member’s bill, the *Criminal Code Amendment Bill (No 2) 2011*, which sought to amend the Criminal Code so that mandatory sentencing provisions for assault on a public officer do not apply to persons whose judgment is significantly impaired.

2.47 A submission was not received from the principal petitioner and the Committee decided not to conduct further inquiries in relation to this matter since Members of the Legislative Council would have the opportunity to debate the issues in relation to the Criminal Code Amendment Bill. The petition was finalised on 17 August 2011.

²⁷ Letter from Hon Terry Redman MLA, Minister for Agriculture and Food, 8 September 2011, p1.

²⁸ Tabled Paper No 3380, 21 June 2011.

²⁹ Tabled Paper No 3381, 21 June 2011. Additional copies of the petition contained a further 217 signatures.

³⁰ Submission from Hon Alison Xamon MLC, tabling Member, 11 July 2011, p1.

Petition No 121 – East Greenwood Primary School Re-development

- 2.48 This petition was tabled by Hon Ken Travers MLC on 28 June 2011 and contained 424 signatures.³¹ The petition opposed the proposed re-development of the East Greenwood Primary School.
- 2.49 Information obtained from the Mayor of Joondalup and responses from the Ministers for Commerce and Housing were considered by the Committee. In particular, the Committee noted advice from the Minister for Housing that:

*The Department is committed to a high quality community engagement process, which will begin once the Department has engaged a private sector developer. This process will allow community input into the design and ensure that any concerns are adequately considered.*³²

- 2.50 The Committee decided not to conduct further inquiries into this matter and the petition was finalised on 19 October 2011.

Petition No 122 – Dental Health Services in Newman

- 2.51 This petition, which expressed concern about the lack of dental services in Newman, contained 694 signatures and was tabled by Hon Jon Ford MLC on 28 June 2011.³³
- 2.52 The Committee did not receive a submission from the principal petitioner within the requested timeframe and the petition was finalized on 10 August 2011.

Petition No 123 – Overhead Powerlines in Beachlands, Geraldton

- 2.53 This petition was tabled by Hon Matt Benson-Lidholm MLC on 30 June 2011 and contained 144 signatures.³⁴
- 2.54 The Committee did not receive a submission from the principal petitioner within the requested timeframe and the petition was finalized on 10 August 2011.

Petition No 124 – Proposed Mining near Horizontal Falls, Buccaneer Archipelago

- 2.55 This petition was tabled by Hon Robin Chapple MLC on 10 August 2011 and contained 187 signatures.³⁵

³¹ Tabled Paper No 3415, 28 June 2011. An additional copy of the petition contained a further 424 signatures.

³² Letter from Hon Troy Buswell MLA, Minister for Housing, 30 September 2012, p2.

³³ Tabled Paper No 3416, 28 June 2011.

³⁴ Tabled Paper No 3470, 30 June 2011. An additional copy of the petition contained a further 18 signatures.

- 2.56 The petition opposed proposed mining at Horizontal Falls on the Kimberley coast and called for new legislation that would register and protect special places in Western Australia.
- 2.57 Responses to the petition were requested from the Minister for the Environment and the Minister for Mines and Petroleum. The Committee noted the Minister for Environment's advice that:

*There is no proposal for mining in this area at this time. Any proposal for mining will require referral to the EPA for it to decide if an environmental impact assessment is required. The EPA has statutory obligations to assess proposals that are judged as having a significant environmental impact.*³⁶

- 2.58 The Minister also made note of the recent inclusion of the Horizontal Falls in the West Kimberley National Heritage List under the Commonwealth Government's approval processes:

*I can generally advise that this listing does not preclude exploration or mining. Once a place has been included in the National Heritage List, the listed values become matters of national environmental significance. This means that any action which is likely to have a significant impact on the values of the listed place must be approved by the Commonwealth Minister for Sustainability, Environment, Water, Population and Communities before proceeding.*³⁷

- 2.59 The Committee was satisfied that any future mining proposal in this area would be subject to Commonwealth and State environmental assessment processes and concluded its inquiries on 9 November 2011.

Petition No 127 – Late Term Abortion

- 2.60 This petition was tabled on 16 August 2011 by Hon Kate Doust MLC and contained 4,945 signatures.³⁸ The petition expressed concern about babies born alive but left to die following post-20 week abortions and the use of late abortions for eugenic reasons. The petitioners requested that the Committee inquire into late abortions performed in Western Australia since 1998 with a view to changing the law to prohibit all abortions after 20 weeks gestation.³⁹

³⁵ Tabled Paper No 3576, 10 August 2011. Additional copies of the petition contained a further 330 signatures.

³⁶ Letter from Hon Bill Marmion MLA, Minister for Environment, 18 October 2011.

³⁷ *ibid.*, pp1-2.

³⁸ Tabled Paper No 3601, 16 August 2011. Another copy of the petition contained a further 199 signatures.

³⁹ *ibid.*

- 2.61 A submission in support of the petition alleged that between 1999 and 2011 in Western Australia, fourteen babies were born alive following an abortion but they were not resuscitated or provided with treatment.⁴⁰
- 2.62 The response to the petition from the Minister for Health explained that the *Health Act 1911* allows abortions after 20 weeks in limited circumstances.⁴¹ Before such an abortion can be performed (in an approved facility), two medical practitioners, who are members of a panel appointed by the Minister, must agree that “*the mother, or the unborn child, has a severe medical condition that, in the clinical judgment of those 2 medical practitioners, justifies the procedure.*”⁴²
- 2.63 The Minister informed the Committee that late term abortions constituted approximately 0.5 per cent of abortions in WA.⁴³
- 2.64 In relation to babies ‘born alive’ following a termination of pregnancy, the Minister advised the following:

*On rare occasions, after a medical termination of pregnancy is undertaken, the newborn has a heartbeat or appears to make attempts to breathe after birth. This does not necessarily indicate viability, but in accordance with the KEMH Guidelines on Assessment of Newborn, the attending midwife is obliged to record this as a live born infant.*⁴⁴

- 2.65 The Minister explained that:

*It is important to note that after every delivery a medical decision is made in regards to care if the infant breathes or has an established heartbeat. Where termination of pregnancy has been undertaken because the infant will die in any event, active resuscitation would be distressing to the parents and inappropriate for the infant. The health, size and anatomy of the infant all impact on the feasibility of resuscitation. This is a clinical decision made by the treating medical staff following the birth.*⁴⁵

- 2.66 The Minister advised the Committee that that the number of infants born alive following a late term abortion claimed by the petitioner may be incorrect (eight rather than 14 babies) and that further research was needed before he could make further

⁴⁰ Submission from Mr Richard Egan, Coalition for the Defence of Human Life, 22 August 2011, p1.

⁴¹ Letter from Hon Dr Kim Hames MLA, Minister for Health, 21 September 2011, p1.

⁴² Section 334(7) of the *Health Act 1911*.

⁴³ Letter from Hon Dr Kim Hames MLA, Minister for Health, 21 September 2011, p3.

⁴⁴ *ibid.*, pp3-4.

⁴⁵ *ibid.*, p4.

comment.⁴⁶ The Committee did not receive the Minister's further comments prior to closure of the petition.

- 2.67 The petition was finalised on 9 November 2011 with Hon Kate Doust MLC dissenting.

Petition No 128 – Bus Services for Yanchep and Two Rocks

- 2.68 This petition was tabled on 16 August 2011 by Hon Ken Travers MLC and contained 299 signatures.⁴⁷ The petitioners expressed concern that the fast growing suburbs of Yanchep and Two Rocks did not have an adequate bus service.

- 2.69 A submission from the principal petitioner was not received by the Committee and the petition was finalised on 20 October 2011.

Petition No 129 – Lack of Reticulated Electricity to Remote Communities

- 2.70 This petition was tabled on 18 August 2011 by Hon Robyn McSweeney MLC and contained 880 signatures. The petition complained that rural communities in Western Australia such as Windy Harbour did not have access to reticulated electricity.⁴⁸

- 2.71 A response to the petition from the Minister for Energy, Hon Peter Collier MLC, advised the Committee that:

*in light of competing demands on the State Budget, the Government does not consider it a priority to fund the extension of power distribution networks to holiday home settlements at this point in time.*⁴⁹

- 2.72 The petition was finalised by the Committee on 2 November 2012.

Petition No 130 – Commercial Gill Net Fishing in the Southern Ocean

- 2.73 This petition was tabled on 1 September 2011 by Hon Nigel Hallett MLC and contained 3,918 signatures.⁵⁰ The petition sought a ban on commercial gill net fishing in all ocean waters from Albany to Bunbury due to the depletion of fish stocks.

- 2.74 The submission from the principal petitioner expressed concern about the depletion of fish stocks in waters around Peaceful Bay, Walpole and Windy Harbour:

⁴⁶ *ibid.*, p4.

⁴⁷ Tabled Paper No 3602, 16 August 2011.

⁴⁸ Tabled Paper No 3616, 18 August 2011.

⁴⁹ Letter from Hon Peter Collier MLC, Minister for Energy, 24 October 2012, p1.

⁵⁰ Tabled Paper No 3657, 1 September 2011.

These areas of coast have for generations been a holiday venue for families to relax and catch a feed of fish.⁵¹

2.75 However, according to the petitioner:

the commercial gillnet fishing practices have now reduced fish stocks in the southern ocean waters to an unsustainable level. Inshore recreational fishers are now finding it very difficult to even catch a feed of fish anywhere near the limits set by the WA Fisheries. This problem is forcing recreational fishers to travel a lot further offshore into a very dangerous ocean to catch fish.⁵²

2.76 The response to the petition from the Minister for Fisheries provided an overview of the scientific research and other investigations being conducted by the Department of Fisheries (Department) in relation to fish stocks on the south coast. These studies include a demersal scalefish stock assessment and a State-wide Recreational Boat Fishing Survey.⁵³

2.77 On a localised scale, the Minister advised that:

While there is no scientific evidence to suggest that demersal scalefish stocks on the South Coast are currently overfished or unsustainable (at a whole of stock level), I have recently requested advice from the Department about possible localised depletion. This advice will include recommendations on whether precautionary management measures are required to deal with any specific localised issues on the South Coast. Once provided with this advice, I will decide whether interim action is required to relieve pressure on demersal scalefish stocks in the region while the above research is conducted.⁵⁴

2.78 The Committee finalised the petition on 23 November 2011.

Petition No 132 – Electronic School Signage Balcatta

2.79 This petition was tabled by Hon Liz Behjat MLC on 20 September 2011 and contained 415 signatures. The petition supports the installation of electronic 40km/h school signage at certain schools in Balcatta to increase public awareness of speed limits in school zones and to ensure student safety.⁵⁵

⁵¹ Submission from Mr Jack Jennings, principal petitioner, undated, received 23 September 2011, p1.

⁵² *ibid.*, p1.

⁵³ Letter from Hon Norman Moore MLC, Minister for Fisheries, 10 November 2011.

⁵⁴ *ibid.*, p2.

⁵⁵ Tabled Paper No 3725, 20 September 2012.

- 2.80 The Committee did not receive a submission from the principal petitioner within the requested timeframe and the petition was finalised on 2 November 2011.

Petition No 133 – Proposed Purchase of Untitled Reserve for Urban Development, High Wycombe

- 2.81 This petition contained 108 signatures and was tabled by Hon Linda Savage MLC on 20 September 2011. The petitioners are opposed to the proposed purchase, and likely development, of an untitled reserve in High Wycombe by the Shire of Kalamunda.⁵⁶

- 2.82 The principal petitioner’s submission outlined the importance of the reserve:

*This reserve backs onto my property, and is a safe haven for wildlife such as cockatoos, kookaburras, and other bird life. I take much enjoyment from the birds, which quite often drink from my birdbath. The reserve is a peaceful area, which offers security for wildlife in a busy suburb, and a cooling effect to surrounding homes during the long summer months.*⁵⁷

- 2.83 A response to the petition from the Shire of Kalamunda outlined the planning processes that had occurred in relation to the property, including community consultation undertaken by the Shire. The Shire advised that an independent review of community facilities concluded that the property “*did not function as local reserve, provided very limited benefit to the community that it is designed to service and was surplus to requirements.*”⁵⁸

- 2.84 The Committee concluded its inquiries on 30 November 2011.

Petition No 138 – Model Workplace Health and Safety Bill

- 2.85 This petition was tabled by Hon Kate Doust MLC on 29 September 2011 and contained 432 signatures.⁵⁹ The petition requests that the Legislative Council enact the Model Workplace Health and Safety Bill as endorsed by the Workplace Relations Ministerial Council in 2009.

- 2.86 The Committee did not receive a submission from the principal petitioner within the requested timeframe and the petition was finalised on 7 March 2012.

⁵⁶ Tabled Paper No 3726, 20 September 2011.

⁵⁷ Submission from Mr Mark Gilks, principal petitioner, 13 October 2011.

⁵⁸ Letter from Mr James Trail, Chief Executive Officer, Shire of Kalamunda, 22 November 2011, p2.

⁵⁹ Tabled Paper No 3925, 29 September 2011. Another copy of the petition contained a further 571 signatures.

CHAPTER 3

PETITIONS FINALISED: 1 JANUARY – 30 JUNE 2012

PETITIONS FINALISED BETWEEN 1 JANUARY 2012 – 30 JUNE 2012

- 3.1 The Committee finalised 18 petitions between 1 July 2011 and 31 December 2011 and an outline of those petitions is provided below.

Petition No 107 – Proposed Coal Mine at Margaret River

- 3.2 This petition was tabled on 15 February 2011 by Hon Adele Farina MLC and contained 1,599 signatures.⁶⁰ The petition opposed a proposed coal mine at Osmington in the Margaret River region and asked the government to introduce special legislation to protect the Capes region from future mining.

- 3.3 In confirming that the proposal for the coal mine had not been approved, the Premier advised the Committee that protection of the Margaret River region was of the “*utmost importance*” to the government:

*This position was made clear by the State Government’s recent rejection of Vasse Coal Management Pty Ltd’s proposed mine at Osmington, which was a decision made on environmental grounds.*⁶¹

- 3.4 The Premier did not support special legislation to protect the Capes region from future mining on the basis that “*such legislation may constrain other suitable development in the region and it is unlikely to add to the robust approvals framework already in place*”.⁶² Instead, a review of planning documents for the South West region would be undertaken by the government to “*ensure the most stringent planning framework possible is in place to protect the Capes region from all forms of high-impact mining.*”⁶³

- 3.5 The Committee concluded its inquiries into the petition on 16 May 2012.

Petition No 116 – Western Australian Container Deposit Scheme

- 3.6 This petition was tabled on 26 May 2011 by Hon Sally Talbot MLC and contained 98 signatures.⁶⁴ The petition supported the introduction of a container deposit scheme in

⁶⁰ Tabled Paper No 2934, 15 February 2011. Another copy of the petition contained a further 1,022 signatures.

⁶¹ Letter from Hon Colin Barnett MLA, Premier, 29 March 2012, p1.

⁶² *ibid.*, p1.

⁶³ *ibid.*, p1.

⁶⁴ Tabled Paper No 3338, 26 May 2011. Additional copies of the petition contained a further 78 signatures.

Western Australia to help increase the number of beverage containers being recycled while improving the litter problem.

3.7 A response to the petition from the Minister for Environment advised that the Western Australian Government was working with other Australian governments in investigating “*the potential for a national container deposit scheme, and other measures, to address packaging waste impacts and reducing litter.*”⁶⁵

3.8 The Minister informed the Committee that:

*The Western Australian Government has indicated a preference for the national application of a container deposit scheme over a state-only based scheme.*⁶⁶

3.9 The Government was currently awaiting the outcome of the national investigation and would “*consider all options to ensure an effective and efficient outcome is achieved for waste management in Western Australia.*”⁶⁷

3.10 The Committee concluded its inquiries in relation to the petition on 7 March 2012.

Petition No 125 – Restoration of the Electricity Net Feed in Tariff

3.11 This petition was tabled on 10 August 2011 by Hon Kate Doust MLC and contained 249 signatures.⁶⁸ The petition opposes the Government’s decision to suspend the Net Feed in Tariff.

3.12 A response to the petition by the Minister for Energy explained that the concepts of feed-in tariffs and buyback schemes are sometimes misunderstood. The Minister explained that:

*the feed-in tariff is a Government subsidy designed to promote the uptake of small-scale renewable energy generation. In order to provide an incentive for electricity customers to install generation systems, the feed-in tariff rate was established at a level that was over and above the actual value of the energy and capacity produced by these systems.*⁶⁹

⁶⁵ Letter from Hon Bill Marmion MLA, Minister for Environment, 13 September 2011, p2.

⁶⁶ *ibid.*, p3.

⁶⁷ *ibid.*, p3.

⁶⁸ Tabled Paper No 3578, 10 August 2011. Another copy of the petition contained a further 210 signatures.

⁶⁹ Letter from Hon Peter Collier MLC, Minister for Energy, 25 October 2011, p1.

3.13 The Minister's response included comprehensive comments on feed-in tariffs and buyback schemes and this paper is available on the Committee's website, as well as the transcript of the hearing held with the Office of Energy.

3.14 The Committee concluded its inquiries on 23 May 2012.

Petition No 126 – Mundaring Weir Water Treatment Facility.

3.15 This petition was tabled on 10 August 2011 by Hon Alison Xamon MLC and contained four signatures. The petition opposed the proposed site for the Water Corporation's Water Treatment Plant.⁷⁰

3.16 The submission from the principal petitioner outlined a number of reasons why the Firewood Road site was preferable to the proposed DEC site. The petitioner also questioned the decision making process of the Water Corporation and called for a review of the site selection process.⁷¹

3.17 The response from the Minister for Environment provided the Committee with the history of the site selection process for the Mundaring Water Treatment Plant (MWTP):

*The Water Corporation commenced and carried out a full and transparent site selection process, over 12 years ago, engaging with the community and other key stakeholders to identify a site for this critical water supply infrastructure.*⁷²

3.18 The Minister also advised that construction work had already commenced on the site.⁷³

3.19 Details regarding the site selection process are contained in the Minister's letter which is available on the Committee's website, along with other documents relating to this petition.

3.20 The Committee concluded its inquiries on 7 March 2012.

Petition No 134 – Violence in the Geraldton and the Midwest

3.21 This petition contained 140 signatures and was tabled by Hon Matt Benson-Lidholm MLC on 22 September 2011.⁷⁴ The petition sought more resources for Geraldton and the Mid-West region to help prevent violence and to address family feuding.

⁷⁰ Tabled Paper No 3579, 10 August 2011.

⁷¹ Submission from Mr Myles Harmer, principal petitioner, 14 September 2011, p1.

⁷² Letter from Hon Bill Marmion MLA, Minister for Environment, 24 October 2011, p1.

⁷³ *ibid.*, p3.

- 3.22 The Committee requested responses to the petition from the Attorney General, the Ministers for Police, Indigenous Affairs and Community Services, as well as the City of Geraldton. The responses received outlined the actions and programmes being undertaken by the government to address violence in Geraldton and are available on the Committee's website.
- 3.23 Of particular interest, the Minister for Indigenous Affairs advised that:

... on 1 November 2011 the WA Police launched Operation Lantern, a six month blitz on burglary, motor vehicle theft and anti-social behaviour in the Geraldton region. Through Operation Lantern police will monitor repeat and priority offenders and focus on street drinking, fighting and other visible crimes. High-visibility policing, intelligence and forensic work will also be backed by extra police numbers and frequent street patrols.

An assessment of Operation Lantern will be conducted at the end of March 2012 with a view to extending the operation through winter 2012. This assessment will also indicate where and how additional government interventions may be required to assist families escape the cycle of violence they are currently experiencing.⁷⁵

- 3.24 The Committee concluded its inquiries into the petition on 28 March 2012.

Petition No 135 – Shenton College Catchment Area

- 3.25 This petition was tabled by Hon Giz Watson MLC on 22 September 2011 and contained three signatures. The petition disputed the exclusion of West Leederville Primary School students from the Shenton College catchment area.⁷⁶
- 3.26 The response from the Minister for Education advised that a review in April 2010 concluded that:

any proposal to change the local intake area for Shenton College would be considered once a decision is made regarding the future placement of Year 7 students. In the meantime, Shenton College is applying the Enrolment policy which governs enrolments from outside the local intake area.⁷⁷

⁷⁴ Tabled Paper No 3751, 22 September 2011.

⁷⁵ Letter from Hon Peter Collier MLC, Minister for Indigenous Affairs, 1 December 2011, p1.

⁷⁶ Tabled Paper No 3752, 22 September 2011. Another copy of the petition contained a further 249 signatures.

⁷⁷ Letter from Hon Dr Elizabeth Constable MLA, Minister for Education, 29 November 2011.

- 3.27 In addition to the above, the Minister had also requested the Department of Education to “review the catchment area for a number of schools in this area.”⁷⁸

Petition No 139 – Bassett Road Senior Village Karratha

- 3.28 This petition was tabled by Hon Helen Bullock MLC on 20 October 2011 and contained 624 signatures. The petition opposed the demolition of the Bassett Road Senior Village in Karratha and the relocation of residents to another site.⁷⁹
- 3.29 The principal petitioner explained in his submission that the current location of the village was ideal since it was close to shops and “walking distance to doctors, chemists and all emergency services”.⁸⁰ The location of the new village on the other hand, was considered to be too far from the town centre for elderly people to walk. The petitioner also had concerns about the consultation process associated with the project.⁸¹
- 3.30 The Committee obtained responses to the petition from the Shire of Roebourne (the Shire) and the Minister for Regional Development; Lands and both letters are available on the Committee’s website.
- 3.31 The responses explained that the re-location of the seniors’ village was part of the Karratha city centre revitalisation. The Chief Executive Officer of the Shire advised the Committee that:

The current Karratha town centre does not conform to sound urban design principles and has poor connectivity, including the absence of a well-executed main street. This and a number of other physical design constraints are required to be addressed if the State government’s plans to transform the town centre into a city centre with intensive and compatible land use, able to cater for estimated population growth to 50,000 by 2035 are to be achieved.

*The ... Plan... requires realignment of Sharpe Avenue to create a main street and a northern and southern extension. The Southern extension which will connect the road to Dampier Highway providing a defined town entry requires the demolition of the Seniors Village.*⁸²

- 3.32 The Government response to the petition explained that the new seniors’ units “will be grouped together and comprise 11 new two bedroom units, a new Autumn Club

⁷⁸ *ibid.*

⁷⁹ Tabled Paper No 3983, 20 October 2011.

⁸⁰ Submission from Mr Llyrus Weightman, undated, received 27 October 2011, p1.

⁸¹ *ibid.*

⁸² Letter from Ms Collene Longmore, Chief Executive Officer, Shire of Roebourne, 18 November 2011, p1.

*common use recreational building, and an undercover area for the Autumn Club bus.*⁸³ The new seniors' village would remain close to services and would be *"approximately 150 metres from Finbar's Pelago Development, which has approximately 3000sq/m of retail and commercial space."*⁸⁴

3.33 The Committee concluded its inquiries on 23 May 2012.

Petition No 140 – Overhead Powerlines Geraldton

3.34 This petition was tabled on 20 October 2011 by Hon Matt Benson-Lidholm MLC and contained 23 signatures.⁸⁵ The petition opposed a plan to construct new overhead powerlines in Geraldton and sought the Legislative Council's support for the use of underground lines instead.⁸⁶

3.35 The submission from the tabling Member pointed out that:

*Underground power is much safer and requires less maintenance than above ground power. Due to the coastal nature of the area corrosion, strong coastal winds and fire are all of significant concern. Underground power removes many of these potential problems.*⁸⁷

3.36 The government response to the petition advised that Western Power was still assessing the options for reinforcing the electricity supply to the Geraldton central business district and the Geraldton Port area. While an underground cable would be *"five or six times more expensive than an overhead line"*, maintenance costs for overhead lines would be considered by Western Power as well as *"all technical, environmental and social issues associated with overhead lines"*.⁸⁸

3.37 Western Power will continue its community consultation process and public forums will be held and options presented to the community for consideration.

3.38 On 7 March 2012 the Committee resolved to conclude its inquiries into this petition.

⁸³ Letter from Hon Brendon Grylls MLA, Minister for Regional Development; Lands, undated, received 3 April 2012, p2.

⁸⁴ *ibid.*, p2.

⁸⁵ Tabled Paper No 3982, 20 October 2011.

⁸⁶ *ibid.*

⁸⁷ Submission by Hon Matt Benson MLC, tabling Member, 28 November 2011.

⁸⁸ Letter from Hon Peter Collier MLC, Minister for Energy, 30 December 2011, p1.

Petition No 141 – Better Bus Services Ellenbrook

3.39 This petition was tabled by Hon Linda Savage MLC on 1 November 2011 and contained 98 signatures.⁸⁹ The petition voiced concern about inadequate direct bus services from Ellenbrook to Midland.

3.40 The submission by the tabling Member pointed out that there were limited direct bus services to Midland from Ellenbrook on weekdays and none on weekends or public holidays:

*The very limited direct weekday service impacts particularly on the elderly and young parents. Midland is a major destination for medical and dental care, as well as a range of government and non government services including Centrelink. It also has cinemas and a range of shopping not available in Ellenbrook. To get to Midland from Ellenbrook and return generally involves a number of changes involving bus and train which is problematic for the elderly and young women travelling with children and a pram.*⁹⁰

3.41 The Minister for Transport advised the Committee that bus services from Ellenbrook were “*significantly improved*” in October 2010 with increased frequency of services as well as an all-day service to Bassendean Train Station and Morley Bus Station.⁹¹ The Minister acknowledged that some people preferred not to transfer between services but pointed out that “*this is an integral part of Perth’s public transport network, and is common to public transport systems throughout Australia.*”⁹²

3.42 The Minister pointed out that the demand for direct travel to Midland from Ellenbrook was “*relatively small*” compared to demand for travel to Morley and the Perth CBD,⁹³ with Midland as the destination of only four per cent of passenger journeys from Ellenbrook/Aveley in the month of November 2011.⁹⁴

3.43 The Minister confirmed that:

*Transperth will continue to monitor demand and growth in the Ellenbrook/Aveley area in order to ensure that the public transport services continue to meet community needs.*⁹⁵

⁸⁹ Tabled Paper No 4001, 1 November 2011.

⁹⁰ Submission by Hon Linda Savage MLC, 30 November 2011, p1.

⁹¹ Letter from Hon Troy Buswell MLA, Minister for Transport, 11 January 2012, p1.

⁹² *ibid.*

⁹³ *ibid.*

⁹⁴ Letter from Hon Troy Buswell MLA, Minister for Transport, 4 April 2012.

⁹⁵ *ibid.*

3.44 The Committee finalised the petition on 23 May 2012.

Petition No 142 – Rex Bellotti Jnr

3.45 This petition was tabled by Hon Giz Watson MLC on 3 November 2011 and contained 325 signatures.⁹⁶ The petition requested a public inquiry into the events that led to injuries sustained by Rex Bellotti Junior on 6 March 2009, the subsequent police investigation and the lack of compensation awarded to the family.

3.46 The Committee considered information related to the petition and was of the view that the petitioner's concerns about the accident and police investigation had been reviewed by the appropriate independent body, the Corruption and Crime Commission of Western Australia.

3.47 The Committee decided not to conduct a further review of the police investigation and the petition was finalised on 28 March 2012.

Petition No 144 – Joining Henley Street Como to Jackson Road Karawara

3.48 This petition was tabled on 10 November 2011 by Hon Kate Doust MLC and contained 134 signatures.⁹⁷ The petition opposed the plan to join Henley Street, Como to Jackson Road, Karawara to “*develop a new medium density corridor and high frequency, rapid transit route for buses and light rail between Canning Bridge Interchange and Curtin University.*”⁹⁸

3.49 The submission from the principal petitioner outlined several reasons why the petitioners were opposed to the plan:

- The route would not save time and would bypass the main social and commercial centre of the area.
- The green corridor used by many local residents would be destroyed.
- There would be increased traffic near local schools and the retirement village.
- There would be more commuter traffic seeking street parking in the locality.⁹⁹

3.50 The petitioner suggested that Manning Road would be an appropriate alternative.¹⁰⁰

⁹⁶ Tabled Paper No 4034, 3 November 2011.

⁹⁷ Tabled Paper No 4070, 10 November 2011.

⁹⁸ *ibid.*

⁹⁹ Submission from Ms Audrey Francis, 7 December 2011, pp1-2.

¹⁰⁰ *ibid* p2.

3.51 A response to the petition from the Minister for Transport explained that while the linking of Henley Street and Jackson Road is an option under consideration, “no definitive decision has been made for the alignment of this public transport corridor”.¹⁰¹

3.52 The Minister advised that:

*The Department of Transport (DoT) has scheduled a further study in 2012-13 to investigate and define a preferred public transport corridor alignment between Canning Bridge and the Curtin/Bentley precinct to meet the travel demands forecast for 2031 and provide the best overall benefit to the broader community and the transport network. This work will build upon previous studies and involve the Department of Planning (DoP) and other key stakeholders, including the City of South Perth, Main Roads Western Australia and the Public Transport Authority.*¹⁰²

3.53 The Committee finalised its inquiries into the petition on 23 May 2012.

Petition No 145 – Closure of tier 3 Narrow Gauge Rail Lines in the Wheatbelt

3.54 Refer to the Committee’s Report No 26, *Closure of Tier 3 Rail Lines in the Central Wheatbelt*, tabled on 21 June 2012.

Petition No 146 – Pedestrian Safety near Kingsway Shopping Centre

3.55 This petition was tabled on 22 November 2011 by Hon Ed Dermer MLC and contained 76 signatures.¹⁰³ The petition related to the difficulty for pedestrians to safely cross a section of Wanneroo Road between Kingsway and Hepburn Avenue.

3.56 The submission from the principal petitioner explained that a safe pedestrian crossing was needed because elderly residents from the Kingsley Lakeside Village, and others, had difficulty crossing the four lanes of Wanneroo Road to access the Kingsway Shopping Centre and other services.¹⁰⁴

3.57 A response to the petition from the Minister for Transport, Hon Troy Buswell MLA, referred the Committee to a letter from the Minister’s principal policy adviser to the Member who tabled the petition. The letter explained that Wanneroo Road is a ‘Primary Distributor Road’:

¹⁰¹ Letter from Hon Troy Buswell MLA, Minister for Transport, 10 May 2012, p1.

¹⁰² *ibid* p1.

¹⁰³ Tabled Paper No 4090, 22 November 2011.

¹⁰⁴ Submission from Mrs Madge Powell, 28 November 2011.

*Primary Distributor Roads are necessary to ensure that the community has access to goods and services while at the same time ensuring that necessary heavy regional traffic is appropriately managed and channelled away from residential streets. In the normal course of events, dedicated pedestrian facilities are only installed on Primary Distributor Road where there is significant pedestrian activity which is concentrated at a single location. Experience has shown that providing a number of opportunities for pedestrians to cross these types of roads decreases the efficiency of the road and is likely to compromise safety for all road users.*¹⁰⁵

- 3.58 Main Roads inspected the relevant section of road and considered that there were sufficient gaps in the traffic to cross the (dual carriage) road safely in two stages.¹⁰⁶
- 3.59 The Committee decided not to conduct further inquiries into this matter and the petition was finalised on 7 March 2012.

Petition No 147 – Opposing Ban on Commercial Demersal Gillnet Fishing

- 3.60 This petition was tabled on 1 December 2011 by Hon Nigel Hallett MLC and contained 376 signatures. The petition opposed the ban on demersal gillnet fishing proposed by an earlier petition from the Save Our Fish Stocks group.¹⁰⁷
- 3.61 The submission from the Western Australian Fishing Industry Council (WAFIC) argued that the fishery is sustainable and made the following points:
- The fishery is strictly managed and is approved under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.
 - The fishery primarily targets sharks, with scalefish less than 20 per cent of the total catch.
 - The proposed ban would significantly reduce the availability of local fish.
 - The impact of recreational fishers on demersal scalefish stocks is unknown.¹⁰⁸
- 3.62 The petitioners believe that research is urgently required to determine the stock status on the south coast. Further, it is the fishing industry's opinion that:

¹⁰⁵ Letter from Mr Michael Buba, Principal Policy Advisor, to Hon E Dermer MLC, 6 December 2011, p1.

¹⁰⁶ *ibid.*, p1.

¹⁰⁷ Tabled Paper No 4144, 1 December 2011.

¹⁰⁸ Submission from Mr Brad Adams, Chairman, WA Fishing Industry Council, 20 December 2011, p2.

*there is no justification for a ban on demersal gillnetting from Bunbury to Albany. Such action would only cater to this vocal misinformed group of recreational fishers at the expense of the WA seafood buying public.*¹⁰⁹

- 3.63 The Committee considered the Minister for Fisheries' response to the earlier petition about gillnet fishing in which he outlined the management approach being undertaken by the government in relation to this issue.
- 3.64 The Minister advised that a research project "*will determine whether there is a problem with overfishing of demersal scalefish on the South Coast and assist me in making an informed decision as to what, if any, action is required to address it.*"¹¹⁰
- 3.65 While the Minister expressed concern about the potential for localised depletion of demersal scalefish stocks, he was of the view that "*a total ban on all commercial gillnet fishing from Albany to Bunbury is not warranted at this stage.*"¹¹¹
- 3.66 The Committee finalised the petition on 7 March 2012.

Petitions No 149 – Wajarri People's Trust

- 3.67 This petition was tabled by Hon Brian Ellis MLC on 6 March 2012 and contained 170 signatures.¹¹² The petition opposed the current management of the Wajarri People's Trust and requested that the Legislative Council recommend a new Trustee be appointed and a new Advisory Committee structure implemented.
- 3.68 The submission on behalf of the principal petitioner explained that the Wajarri People's Trust was established in 2004 for the benefit of the Wajarri people however "*the Wajarri community is generally unaware as to how the Trustee is applying the funds of the Trust.*"¹¹³ Concerns were also expressed about the administration of the Trust and certain payments which appear to be "*outside the Trust purpose.*"¹¹⁴
- 3.69 A response to the petition from the former Attorney General explained that he did not have the power to order the removal of a Trustee of a charitable Trust. The provisions of the Wajarri People's Trust Deed provide that:

¹⁰⁹ *ibid.*, p2.

¹¹⁰ Letter from Hon Norman Moore MLC, Minister for Fisheries, 10 November 2011, p3.

¹¹¹ *ibid.*, p4.

¹¹² Tabled Paper No 4272, 6 March 2012.

¹¹³ Submission from Kott Gunning Lawyers, 5 April 2012, p1.

¹¹⁴ *ibid.*, p2.

*The Advisory Committee may terminate the appointment of a person as Trustee and appoint another person in his or her place by a three quarter majority decision of all Advisory Committee members.*¹¹⁵

- 3.70 Additionally, the Supreme Court may appoint a new trustee under the *Trustees Act 1962* in certain circumstances. The Attorney General advised:

*If the petitioners wish to seek the removal of the Trustee from the Trust then it is open to them to approach a member of the Advisory Committee. Alternatively, in an appropriate case, a person could invoke the jurisdiction of the Supreme Court for the appointment of a new trustee in circumstances where the preconditions to the exercise of the court's inherent or statutory jurisdiction could be substantiated.*¹¹⁶

- 3.71 The Committee concluded its inquiries into the petition on 23 May 2012.

Petitions No 156 and 157 – Anti-association Laws

- 3.72 These petitions were both tabled by Hon Giz Watson MLC in May 2012 and contained 723 signatures in total.¹¹⁷ The petitions opposed the *Criminal Organisation Control Bill 2011* on the basis that it was an injustice to civil liberties and called for the Legislative Council to reject the Bill.
- 3.73 The Committee did not receive a submission from the principal petitioner within the requested timeframe and the petitions were finalised on 23 May 2012 and 13 June 2012 respectively.

Petition No 159 – Regional Resource Recovery Centre Canning Vale

- 3.74 This petition was tabled on 2 May 2012 by Hon Lynn MacLaren MLC and contained 463 signatures.¹¹⁸ The petition opposes the revocation of the licence for the Regional Resource Recovery Centre in Canning Vale and requests that time is provided for the Centre to implement odour management systems.
- 3.75 The Committee did not receive a submission from the principal petitioner within the requested timeframe and the petition was finalised on 13 June 2012.

¹¹⁵ Letter from Hon Christian Porter MLA, Attorney General, 11 May 2012, p1.

¹¹⁶ *ibid.*, p2.

¹¹⁷ Tabled Paper No 4428, 1 May 2012 and Tabled Paper No 4503, 15 May 2012.

¹¹⁸ Tabled Paper No 4454, 2 May 2012.

A handwritten signature in black ink, appearing to read 'B. Ellis', written on a light-colored background.

Hon Brian Ellis MLC
Chair
27 November 2012